

# Personal Care Attendant (PCA) Overtime Rule FAQs

*September 1, 2016*



**IMPORTANT**—A new PCA overtime rule starts on September 1, 2016. Please read below for important information about this change, and how it may affect you. This document will be updated as we become aware of additional questions.

## What is the new PCA overtime rule?

The new PCA overtime rule may limit the number of hours PCAs can work each week providing MassHealth PCA services. It establishes an approval process for PCAs to work more than 40 hours per week.

## Will the new PCA overtime rule reduce the number of PCA hours I can get?

**No.** This new PCA overtime rule **does not change or reduce** the total number of PCA hours you can get.

## What hours does MassHealth count under the PCA Overtime rule?

All hours on a PCA's activity sheet (timesheet) are counted. If a PCA works for more than one member in a week, hours on each activity sheet (timesheet) are counted.

## How do I know if the new PCA overtime rule affects me?

The new rule affects you if you have a PCA(s) who works more than 40 hours a week providing MassHealth PCA services for you, or for you and other MassHealth members.

If you aren't sure if this new rule affects you, contact your Personal Care Management (PCM) agency. A list of PCM agencies and phone numbers is available online at [www.mass.gov/eohhs/consumer/insurance/masshealth-member-info/pca/pcm-agency-list.html](http://www.mass.gov/eohhs/consumer/insurance/masshealth-member-info/pca/pcm-agency-list.html).

## What is overtime?

Overtime (OT) is when one PCA works more than 40 hours in one week providing MassHealth PCA services.

## Who is my Personal Care Management (PCM) Agency?

Your PCM is the agency that evaluated you to determine your eligibility for the PCA program. They may have provided you with skills training to hire and work with your PCA. They also conduct annual PCA reviews.

When you contact your PCM, tell them you are calling to speak to your skills trainer about the PCA overtime rule.

## What if I don't know who my PCM is or how to contact them?

Call MassHealth Customer Service at 1-800-841-2900 (TTY: 1-800-497-4648) and select option #2. That option will be just for calls about the PCA Overtime rule. A Customer Service Representative will look up your PCM and provide you with the name and phone number. The Representative will also call your PCM for you while you are on phone to make sure you get connected.

## What if I am in One Care or SCO?

The new PCA overtime rule applies to all MassHealth members, including members in One Care and SCO. Contact your PCM or your One Care or SCO Care Coordinator if you have questions.

## Will my PCA have to stop working for me more than 40 hours per week starting September 1<sup>st</sup>?

No, but you will need to follow the steps described below to get **Overtime Approval**. You will have time to get this approval. See the Key Dates below.

### Transition Period: *from 9/1/16 to 10/22/16*

Overtime Approval forms must be submitted (more information below). MassHealth will track overtime worked by PCAs and overtime approval requests, but will not deny requests for overtime.

### Outreach Period: *from 10/22/16 to 12/31/16*

MassHealth will be looking at which members and PCAs are in an overtime situation without approval. These members and their PCAs will be contacted to receive help.

### Non-Compliance actions

After the outreach period, if a PCA works overtime without approval, MassHealth will send notices to both the PCA and the members to let them know they are not complying with the rules. That notice will provide information about what to do next to comply with the rules to ensure the PCA is able to keep working as a MassHealth PCA.

## How do I find out if my PCA works more than 40 hours?

You will need to talk to your PCA to make sure you both know and understand the new rule. If your PCA works for you more than 40 hours per week, follow the Overtime Approval instructions below.

Even if your PCA does not work more than 40 hours per week for you, you should ask your PCA to make sure s/he lets you know if they work more than 40 hours in any week as a MassHealth PCA.

You do not need information about who else your PCA works for. You just need to know if your PCA's total hours for you and any other MassHealth members adds up to more than 40 hours in a week. If so, you need to get Overtime Approval for that PCA. If you need help talking to your PCA about this, ask your PCM to help you.

## What do I do if my PCA works more than 40 hours per week?

Your PCM must send MassHealth an [Overtime Approval Request Form \(www.mass.gov/eohhs/docs/masshealth/provider-services/forms/pca-oaf.pdf\)](http://www.mass.gov/eohhs/docs/masshealth/provider-services/forms/pca-oaf.pdf). There are two types of approval you can get:

### A) Annual Overtime Approval

If you live with your PCA, AND you are approved for 40-60 hours per week of PCA services, AND the PCA is the only PCA working for you, you can get an annual Overtime Approval. You will need to send in a new request every year.

### B) Continuity of Care Overtime Approval

If the PCA does not live with you, you can get a continuity of care Overtime Approval. In this case, you can get approvals for up to 12 weeks at a time while you look for and make arrangements for additional PCAs so that your current PCA does not work more than 40 hours per week.

## If my PCA works more than 40 hours a week for more than one member, who needs to apply for overtime?

If your PCA works more than 40 hours a week for more than one member, **you must apply for overtime approval**. You need to apply for overtime even if you get less than 40 hours of PCA services a week from that PCA.

## What if I need my PCA to work more than 40 hours a week because of an emergency and no other PCA can provide my care?

The new rule does not affect emergency overtime. Contact your PCM agency if you need your PCA to work overtime due to an emergency.

## How do I apply for an Overtime Approval?

Complete an [Overtime Approval Request Form \(www.mass.gov/eohhs/docs/masshealth/provider-services/forms/pca-oaf.pdf\)](http://www.mass.gov/eohhs/docs/masshealth/provider-services/forms/pca-oaf.pdf). Your PCM agency will send the filled-out form to MassHealth for you.

## What if I need help applying?

- You can call MassHealth's Customer Service Center for help at 1-800-841-2900 (TTY: 1-800-497-4648).
- You can call your PCM. They will talk you through the process or also set up a time to meet with you. They can help you fill out the Overtime Approval Request Form.

## Where can I get the Overtime Approval Request Form?

- **Online** at [www.mass.gov/eohhs/gov/laws-regs/masshealth/provider-library/masshealth-provider-forms.html](http://www.mass.gov/eohhs/gov/laws-regs/masshealth/provider-library/masshealth-provider-forms.html). You will need to print the form out to complete it. You will need to contact your PCM agency so they can submit it to MassHealth.
- **In-person** at your PCM Agency. The PCM agency can also mail or e-mail the form to you.
- **By phone.** You can call MassHealth's Customer Service Center at 1-800-841-2900 (TTY: 1-800-497-4648).

## Can I get and complete the Overtime Request Form now?

Yes.

## Can I get a copy of the form in large print and braille?

Yes. Call MassHealth's Disability Accommodation Ombudsman at 1-617-847-3468 (TTY: 1-617-847-3788). You can also e-mail [MassHealthHelp@ehs.state.ma.us](mailto:MassHealthHelp@ehs.state.ma.us).

## How do I fill out the overtime request form?

You can fill out the form yourself. Instructions are included on the form.

Contact your PCM Agency if you need help. You can meet with your PCM Skills Trainer in-person, or they can help you over the phone.

## What do I do when I've finished filling out the Overtime Request Approval Form?

Mail, e-mail, fax, or deliver the form and any related documents to your PCM agency. Or, set up a time for your PCM agency to pick up your form.

Your PCM agency will check the Overtime Approval Form and send it to MassHealth for you.

## How long will it take to get an answer about my Overtime Approval Request?

Your PCM will check your form and send it to MassHealth within 1 business day of getting the filled-out form.

MassHealth will make a decision within 2 business days of getting your filled-out form.

Your PCM agency will call you within 1 business day of MassHealth's decision. MassHealth will also mail you a letter that explains the decision.

## How many times can I submit an Overtime Approval Request Form?

There is no limit to the number of Overtime Approval Request Forms you can submit.

PCM agencies will track members who get Continuity of Care Approvals. You need to make sure you are working to hire an additional PCA(s), and/or adjust your schedule so that no one PCA works more than 40 hours a week for you.

## What do I need to do if my Overtime Approval Request is approved?

If you live with a sole PCA you need to:

- Ask for overtime approval on an annual basis.
- Tell your PCM if you hire additional PCAs, or your living situation changes.

If you have a Continuity of Care approval, you need to:

- Find and hire additional PCAs during the overtime approval period.
- Tell your PCM if you hire additional PCAs, or your living situation changes.

If you are approved to schedule your PCA to work overtime, you need to make sure your PCA does not work more than the number of hours of PCA services you are approved for.

## **What do I do if my Overtime Approval Request is denied after October 22?**

- Take steps to find and hire additional PCAs, contact your PCM for help.
- Organize your schedule so that no PCA works more than 40 hours a week for you.

## **If MassHealth denies my Overtime Approval Request, can I appeal that decision?**

Yes. If MassHealth denies your request, the denial letter MassHealth sends you will include information about how to appeal the decision.